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Baaziz Achour

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EXAMINER

PHAN, HUY Q

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/771,210

Applicant(s)

ACHOUR, BAAZIZ

Examiner

Huy Q. Phan

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to Amendment filed on date: 10/30/2006.  
Claims 1-32 are still pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a) Claims 1-9, 11, 22-29, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma (U.S. Pat. No. 6,069,871 as previously cited) in view of Satarasinghe (U.S. Pat. No. 6,026,301 as previously cited), further in view of Jin (U.S. Pat. No. 5,737,704).

Regarding claim 1, Sharma discloses a system for improving efficiency (col. 2, lines 1-2, lines 14-15) of a wireless communications network (Abstract, line 1; col. 2, lines 18-20) employing a plurality of frequencies per cell (col. 4, line 60-63, col. 10, line 63; col. 11, line 22) comprising: first means for monitoring a network load/capacity

(capacity requests to each of the system/network base stations) associated with each of said plurality of frequencies (each base station generates a cell or coverage area using two or more frequency carriers; col. 1, 63-67) and providing corresponding status values (capacity indications) in response thereto (col. 5, lines 4-13); second means for comparing said status values to a predetermined criterion and providing an indication (net excess capacity value/ NEC) in response thereto when one or more of said status values meet said criterion (col. 2, lines 50-51); and third means for redistributing said network load in accordance with said indication (traffic channel assignment; col. 5, line 27-36, col. 13, lines 49-52).

But, Sharma does not particularly show wherein the third means including determining which mobile stations are within an inner coverage area of a cell based on whether round trip delays (RTD) of the mobile stations are less than a threshold. However in analogous art, Satarasinghe teaches wherein the third means (figs. 2A-B and col. 5, lines 21-67) including determining (col. 5, lines 53-67) which mobile stations are within an inner coverage area of a cell based on whether the round trip delays (RTD) of the mobile stations (described as "measures a RTD value (not shown) representing a distance of the mobile unit from the cell site" see figs. 2A-B and col. 5, lines 53-67) are less than a threshold (RTD1). Since, Sharma and Satarasinghe are related to method of handoff in wireless communication; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sharma as taught by Satarasinghe for purpose of improving the "system and method for triggering hard handoff of a call" in order to "maintain a call within the

CDMA network as long as possible, rather than handing it off to the second network too soon. Handing off a call too soon results in lost revenue for the CDMA network service provider, while waiting too long to do so will likely result in an decrease in call quality and an increase in dropped calls, both of which result in an increase in customer complaints" (see Satarasinghe's specification col. 3, lines 4-15).

But, Sharma and Satarasinghe do not particularly show initiating handoff of at least one mobile station within the inner coverage area to a different frequency on the cell. However in analogous art, Jin teaches initiating handoff of at least one mobile station within the inner coverage area to a different frequency on the cell (col. 2, lines 28-63). Since, Sharma, Satarasinghe and Jin are related to method of handoff in wireless communication; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sharma and Satarasinghe as taught by Jin in order for "that not only the occurrence of hard handoffs between cells is prevented, but also the loss probability is maintained below a fixed rate. Particularly, the number of hard handoffs in a cell is reduced, so that the quality of communication is improved" (see col. 6, lines 11-16).

Regarding claim 2 and as applied to claim 1, Sharma, Satarasinghe and Jin disclose the aforementioned system. In addition Sharma discloses wherein said criterion includes one or more predetermined thresholds ( $EFC_{bt}$ ,  $ERC_{bt}$ ,  $ECE_{bt}$ ,  $EW C_{bt}$ ,  $NEC_{bt}$ , where NEC is the net excess capacity threshold that incorporates and depends upon the previous predetermined thresholds, col. 14, lines 58-61, lines 17-59) so that

Art Unit: 2617

when one or more of said predetermined thresholds is surpassed by said one or more of said status values (col. 14, lines 58-61, lines 13-18), said criterion is met (thresholds are identified on this reference under the suffix bt, i.e.  $NEC_{bt}$  net excess capacity threshold and NEC net excess status value or capacity information).

Regarding claim 3 and as applied to claim 2, Sharma, Satarasinghe and Jin disclose the aforementioned system. In addition Sharma discloses wherein said status values are representative of loading conditions for communications system resources associated with each of said frequencies, said loading conditions representative of currently available resources (col. 14, lines 43-47) allocated for each of said plurality of frequencies (col. 6, lines 18-22; col. 9, lines 48-52).

Regarding claims 4, 5, 6, and 7, and as each applied to claim 3, Sharma, Satarasinghe and Jin disclose the aforementioned system. In addition Satarasinghe discloses wherein each of said status values include a hardware resource component (channel elements), an air link resource component (forward and reverse links), and a handling resource component (Walsh codes), each component indicative of respective remaining resources, wherein said hardware resource component incorporates the currently channel elements (col. 14, lines 19-21) said air link resource incorporates transmit power available before maximum air link capacity is reached (EFC/ excess forward link capacity dependant upon allowable maximum and current forward link power and ERC/excess reverse link capacity dependant upon Thermal Noise Floor at

Art Unit: 2617

the base station and total received power at the base station; col. 8, lines 14-22; See claims 11 and 12, col. 14, lines 13-18), and said handling resource incorporates the available Walsh codes (EWC/excess number of Walsh codes; col. 14, lines 22-24), each of the resources associated for a particular frequency (it is inherent that the frequencies assigned to a particular sector within a cell are contained in a base station).

Regarding claims 8 and 9 and as each applied to claim 4, Sharma, Satarasinghe and Jin disclose the aforementioned system. In addition Sharma discloses wherein said first means includes sector frequency controllers (col. 6, lines 10-11), one for each of said plurality of frequencies in a given sector (each selector bank subsystem is within a base station controller, who at the same time is coupled to a plurality of base stations who defined a coverage area or sector; col. 11, line 64 – col. 12, line 11) wherein each of said sector frequency controllers is in communication with a corresponding call resource manager (A selector bank subsystem that performs both tasks of frequencies and resources allocation, col. 6, lines 18-22).

Regarding claim 11 and as applied to claim 9, Sharma, Satarasinghe and Jin disclose the aforementioned system. In addition Sharma discloses wherein said second means includes software (it is inherent that a system that compares values, stores values, and performs tasks based on priority or selective execution, must comprise a medium such as a computer for programming means, subsequently branching from a software brand) running on each of said sector frequency controllers (A selector bank

subsystem that includes a selector bank controller that performs resource and frequency allocation, where said selector bank subsystem is coupled to a pilot data base which falls within a layer of a software brand, col. 6, lines 7-15) said software for generating a status value associated with a corresponding frequency (See definitions and equations on col. 8), comparing said status value to one of said predetermined thresholds (See definitions and equations on col. 8; col. 14 lines 58-61), and generating a status message (capacity information) in response thereto (col. 7, lines 9-14).

Regarding claim 22, Sharma discloses an efficient wireless communications system that accommodates a plurality of frequencies per cell (col. 10, lines 30-35) with a minimum amount of hardware (it is inherent that multi-frequency distribution within a cell or base station is made for means of improving the system performance such as hardware reduction; col. 2, lines 1-2) comprising: first means establishing communications between a wireless communications device and a second communications device via allocation of communications system resources associated with a given frequency (col. 11, lines 34-36); second means for monitoring said resources associated with said given frequency and providing a signal when said resources match a predetermined criterion (col. 6, lines 58-67 thru col. 7, lines 9-14; the BSC determination is made based on excess capacity responses, See col. 5, lines 5-63); and third means for transferring said communications from said given frequency to a target frequency in response to said signal (col. 7, lines 16 –27 thru lines 44- 53).



But, Sharma does not particularly show wherein the third means including determining whether the wireless communications device is within an inner coverage area of a cell based on whether round trip delay (RTD) of the wireless communications device is less than a threshold. However in analogous art, Satarasinghe teaches wherein the third means (figs. 2A-B and col. 5, lines 21-67) including determining (col. 5, lines 53-67) whether the wireless communications device is within an inner coverage area of a cell based on whether round trip delay (RTD) of the wireless communications device (described as “measures a RTD value (not shown) representing a distance of the mobile unit from the cell site” see figs. 2A-B and col. 5, lines 53-67) are less than a threshold (RTD1). Since, Sharma and Satarasinghe are related to method of handoff in wireless communication; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sharma as taught by Satarasinghe for purpose of improving the “system and method for triggering hard handoff of a call” in order to “maintain a call within the CDMA network as long as possible, rather than handing it off to the second network too soon. Handing off a call too soon results in lost revenue for the CDMA network service provider, while waiting too long to do so will likely result in an decrease in call quality and an increase in dropped calls, both of which result in an increase in customer complaints” (see Satarasinghe’s specification col. 3, lines 4-15).

But, Sharma and Satarasinghe do not particularly show initiating handoff of the wireless communications device to the target frequency. However in analogous art, Jin teaches initiating handoff of the wireless communications device to the target frequency

(col. 2, lines 28-63). Since, Sharma, Satarasinghe and Jin are related to method of handoff in wireless communication; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sharma and Satarasinghe as taught by Jin in order for "that not only the occurrence of hard handoffs between cells is prevented, but also the loss probability is maintained below a fixed rate. Particularly, the number of hard handoffs in a cell is reduced, so that the quality of communication is improved" (see col. 6, lines 11-16).

Regarding claims 23 and 24 and as each applied to claim 22, Sharma, Satarasinghe and Jin disclose the aforementioned system. In addition Sharma discloses wherein said second means includes a plurality (a base station transceiver subsystem and a target base station transceiver subsystem) of base station transceiver subsystem controllers (col. 13, lines 16-17) having a selector frequency controller (selector bank subsystem controller; Fig. 2A item 214; coupled to a base station manager; col. 6, lines 10-11 thru lines 18-22) and a call resource manager (base station manager card in communication with or coupled to a base station manager, col. 6, lines 29-31), said call resource managers built-in the base stations transceiver subsystem controllers (BSC's, both base station transceiver subsystem controller and target base station transceiver subsystem controller) in communication with channel elements on a base station transceiver subsystem associated with said given frequency (col. 6, lines 32-39; col. 12, lines 31-32).

Art Unit: 2617

Regarding claim 25 and as applied to claim 24, Sharma, Satarasinghe and Jin disclose the aforementioned system. In addition Sharma discloses wherein said third means includes a load-balancing broker (A selector bank subsystem in communication with a pilot database for means of balancing load) in communication with a pilot database (Fig. 2A, item 216) running on a selector element controller in communication with selector elements of a selector bank subsystem of a base station controller (Fig. 2A, item 211; col. 6, line 8) that controls said base station transceiver subsystem and said target base station transceiver subsystem, said base station controller in communication with a landline network via a mobile switching center (MSC, col. 1 lines 26-28, Fig. 1, it is inherent that a BSC is usually coupled to a MSC via landline).

Regarding claim 26 and as applied to claim 25, Sharma, Satarasinghe and Jin disclose the aforementioned system. In addition Sharma discloses wherein said mobile switching center includes a call control processor (Fig. 2B, item 254; col. 6, line 40 thru lines 46-50), a supplementary services adjunct (Fig. 2B, DRAM, SRAM, EPROM, STORAGE, items 256-264, col. 6, lines 40-42), and a base station manager (Fig. 2B, item 282; col. 6, lines 29-31).

Regarding claim 27 and as applied to claim 22, Sharma, Satarasinghe and Jin disclose the aforementioned system. In addition Sharma discloses wherein said third means includes means for handing off said wireless communications device to a target frequency to facilitate load balancing between frequencies (col. 5, lines 54-60), said

wireless communications device less likely than other wireless communications devices operating communicating via said given frequency that do not match said predetermined criterion to subsequently require handoff for load balancing purpose (col. 8, lines 65-67).

Regarding claim 28 and as applied to claim 27, Sharma, Satarasinghe and Jin disclose the aforementioned system. Satarasinghe further discloses a system wherein said criterion includes a round trip delay value less than a predetermined round trip delay threshold (see figs. 2A-B and col. 5, lines 53-67).

Regarding claim 29 and as applied to claim 22, Sharma, Satarasinghe and Jin disclose the aforementioned system. In addition Sharma wherein said third means includes means for employing existing vertical neighbors and horizontal neighbors (candidate base stations, and overlaying cells or overlaying coverage subsequently meaning a neighborhood location, col. 14, lines 55-57) to said target frequency to select said target frequency so as to minimize instances of subsequent hard handoff (col. 14, lines 34-54).

Regarding claim 30 and as applied to claim 29, Sharma, Satarasinghe and Jin disclose the aforementioned system. Sharma further discloses wherein said means for employing existing vertical and horizontal neighbors to a target frequency (col. 14, lines 55-57) includes generating a frequency availability value and selecting said target

frequency to have a high frequency availability (col. 9, lines 3-11). Sharma in view of Satarasinghe fail to clearly specify a frequency availability value that is inversely related to the number of horizontal and vertical neighbors of said target frequency. However, it is obvious that when a mobile station is approaching an overlapping cell, distributed network range distances between the mobile station and neighboring overlapping cells upholding different frequencies are relatively small rather than when a cell is not approaching that particular service area, and priority is given to a set of frequencies near the mobile station location for handoff execution, generally speaking corresponding cell frequency priority is high while proximity for neighboring cells is small.

Regarding claim 31, Sharma discloses a system for strategically distributing communications system resources in a wireless communications system comprising:

first means for monitoring traffic in a cell of said wireless communications system (col. 2, lines 18-20), said cell associated with a plurality frequencies (Fig. 7, item 704, cells associated with a plurality of frequencies, col. 10, lines 30-33), each frequency associated with a predetermined geographic region within said cell that may overlap one or more other geographic regions within said cell (col. 10, lines 33-43, border zones are zones between multiple and single carrier frequency cells, See Fig. 8 for overlapping cells, items 802B and 804B as inner overlapping cells, items 802A and 804A as outside overlapping cells, and item 814 as an example of a border zone; See also col. 13, 45-48);

second means for monitoring system resources in said cell and providing a resource status indication in response thereto; third means for comparing said resource status indication to predetermined criteria and providing a load reassignment command in response thereto (col. 13, lines 31-38); and fourth means for selectively reassigning network load among said plurality of frequencies in response to said load reassignment command to maintain said system resource status indication in concurrence with said criteria (col. 13, lines 49-52).

But, Sharma does not particularly show wherein the fourth means including determining which mobile stations are within an inner geographic region of the cell based on whether round trip delays (RTD) of the mobile stations are less than a threshold. However in analogous art, Satarasinghe teaches wherein the fourth means (figs. 2A-B and col. 5, lines 21-67) including determining (col. 5, lines 53-67) which mobile stations are within an inner coverage area of a cell based on whether the round trip delays (RTD) of the mobile stations (described as "measures a RTD value (not shown) representing a distance of the mobile unit from the cell site" see figs. 2A-B and col. 5, lines 53-67) are less than a threshold (RTD1). Since, Sharma and Satarasinghe are related to method of handoff in wireless communication; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sharma as taught by Satarasinghe for purpose of improving the "system and method for triggering hard handoff of a call" in order to "maintain a call within the CDMA network as long as possible, rather than handing it off to the second network too soon. Handing off a call too soon results in lost revenue for the CDMA

network service provider, while waiting too long to do so will likely result in an decrease in call quality and an increase in dropped calls, both of which result in an increase in customer complaints" (see Satarasinghe's specification col. 3, lines 4-15).

But, Sharma and Satarasinghe do not particularly show initiating handoff of at least one mobile station within the inner geographic region to a different frequency on the cell. However in analogous art, Jin teaches initiating handoff of at least one mobile station within the inner geographic region to a different frequency on the cell (col. 2, lines 28-63). Since, Sharma, Satarasinghe and Jin are related to method of handoff in wireless communication; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sharma and Satarasinghe as taught by Jin in order for "that not only the occurrence of hard handoffs between cells is prevented, but also the loss probability is maintained below a fixed rate. Particularly, the number of hard handoffs in a cell is reduced, so that the quality of communication is improved" (see col. 6, lines 11-16).

Regarding claim 32, Sharma discloses a method for improving the efficiency of a wireless communications network (col. 2, lines 1-2, lines 14-15) that has a cell that accommodates a plurality of frequencies comprising the steps of: monitoring network load/capacity (capacity requests to each of the system/network base stations) associated with each of said plurality of frequencies (each base station generates a cell or coverage area using two or more frequency carriers; col. 1, 63-67; See also Fig. 7, item 704 for multiple frequency carrier cells) and providing corresponding status values

(capacity indications) in response thereto; comparing said status values to predetermined thresholds (See col. 8, lines 5-63) and providing an indication in response thereto when one or more of said status values exceeds (network distribution according to load or capacity responses/indications; col. 12, lines 49-50; Fig. 10) one or more of said predetermined thresholds (excess capacity value/ NEC, See col. 14, lines 58-61 thru lines 17-59 for predetermined thresholds); and redistributing said network load in accordance with said indication (col. 13, lines 49-52).

But, Sharma does not particularly show determining which mobile stations are within an inner coverage area of a cell based on whether round trip delays (RTD) of the mobile stations are less than a threshold. However in analogous art, Satarasinghe teaches determining (col. 5, lines 53-67) which mobile stations are within an inner coverage area of a cell based on whether the round trip delays (RTD) of the mobile stations (described as "measures a RTD value (not shown) representing a distance of the mobile unit from the cell site" see figs. 2A-B and col. 5, lines 53-67) are less than a threshold (RTD1). Since, Sharma and Satarasinghe are related to method of handoff in wireless communication; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Sharma as taught by Satarasinghe for purpose of improving the "system and method for triggering hard handoff of a call" in order to "maintain a call within the CDMA network as long as possible, rather than handing it off to the second network too soon. Handing off a call too soon results in lost revenue for the CDMA network service provider, while waiting too long to do so will likely result in an decrease in call quality and an increase in



dropped calls, both of which result in an increase in customer complaints" (see Satarasinghe's specification col. 3, lines 4-15).

But, Sharma and Satarasinghe do not particularly show initiating handoff of at least one mobile station within the inner coverage area to a different frequency on the cell. However in analogous art, Jin teaches initiating handoff of at least one mobile station within the inner coverage area to a different frequency on the cell (col. 2, lines 28-63). Since, Sharma, Satarasinghe and Jin are related to method of handoff in wireless communication; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Sharma and Satarasinghe as taught by Jin in order for "that not only the occurrence of hard handoffs between cells is prevented, but also the loss probability is maintained below a fixed rate. Particularly, the number of hard handoffs in a cell is reduced, so that the quality of communication is improved" (see col. 6, lines 11-16).

b) Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma, Satarasinghe and Jin, further in view of Kang (U.S. Pat. No. 5,781,861 as previously cited).

Regarding claim 10 and as applied to claim 9, Sharma and Satarasinghe disclose the aforementioned system with a base station transceiver subsystem and a call resource manager (See Sharma; Fig. 2B, item 282; col. 6, lines 29-39). Sharma in view of Satarasinghe fail to clearly specify a system wherein said call resource manager is positioned on a base station transceiver subsystem. In the same field of endeavor

Kang discloses a call resource manager positioned on a base station transceiver subsystem (col. 5, lines 6-10). Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention was made to have Sharma in view of Satarasinghe call resource manager positioned in a base station as taught by Kang for the purpose of allocating resources directly at the base station.

c) Claims 12 - 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma, Satarasinghe and Jin, further in view of Krutz (U.S. Pat. No. 5,826,190 as previously cited).

Regarding claims 12 and 13, and as applied to claim 11, Sharma, Satarasinghe and Jin disclose the aforementioned system wherein said status message specifies that said corresponding frequency is available; said corresponding frequency is available for handoff only (See Sharma; col. 9, lines 3-11; col. 10, lines 18-27); or said corresponding frequency is unavailable (See Sharma; col. 8, line 65 – col. 9, line 3), wherein said message is incorporated according to the specific frequency availability (See Sharma; col. 9, lines 51-67). Sharma, Satarasinghe and Jin fail to clearly specify that said corresponding frequency is available for emergency calls only. However in the same of endeavor, Krutz discloses a system where a status message specifies that a corresponding frequency is available for emergency calls only (Abstract; col. 9, lines 33-43). Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention was made to have Sharma status message for frequency handoff availability to include a specification in the status message for emergency calls handoff

when a corresponding frequency is available for the specified matter as taught by Krutz for the purpose of allowing better handoff execution when an emergency call need allocation within a service or coverage area.

Regarding claim 14 and as applied to claim 13, Sharma, Satarasinghe, Jin and Krutz disclose the aforementioned system. In addition Sharma discloses wherein said third means of the aforementioned system includes a load-balancing broker (The SBSC/selector bank subsystem controller is within an SBS/selector bank subsystem; col.6, lines 17-22) that receives said indication (Fig. 9, item 916; col. 12, lines 33-34), said load-balancing broker in communication with a pilot database and selector elements (Selector elements or selector bank, SEL; col. 6, lines 14-15).

Regarding claim 15 and as applied to claim 14, Sharma, Satarasinghe, Jin and Krutz disclose the aforementioned system. In addition Sharma discloses wherein said selector elements (col. 6, lines 8-11) of the aforementioned system are positioned on a base station controller and are in communication with channel elements of a base station transceiver subsystem associated (col. 6 lines 32-39) with said cell and said corresponding frequency (col. 5, lines 27-36).

Regarding claim 16 and as applied to claim 14, Sharma, Satarasinghe, Jin and Krutz disclose the aforementioned system. In addition Sharma discloses wherein said load-balancing broker of the aforementioned system includes means for determining

mobile stations not currently undergoing handoff (mobile unit active set, col. 5, lines 42-54). In addition Jin discloses operating within the inner coverage area of the cell (see fig. 2), and associated with frequencies indicated via said indication and issuing a load shed request to said selector elements in response thereto (cols. 3-5).

Regarding claim 17 and as applied to claim 16, Sharma, Satarasinghe, Jin and Krutz disclose the aforementioned system. In addition Sharma discloses wherein said selector elements of the aforementioned system include means for implementing handoff of a mobile station from a first frequency to a target frequency in accordance with load balancing handoff criteria (Fig. 6A and Fig. 6B, col. 9, line 45 – col. 10, line 27).

Regarding claim 18 and as applied to claim 17, Sharma, Satarasinghe, Jin and Krutz disclose the aforementioned system. In addition Sharma discloses wherein said selector elements of the include means for providing a load shed response (capacity responses) to said load-balancing broker (SBSC, selector bank subsystem controller) in response to the receipt of said load shed request (capacity requests, col. 12, lines 29-37), said load shed response indicating if said mobile stations were successfully handed off to available frequencies specified in said load shed request (col. 12, lines 60-64) via said means for implementing handoff (col. 12, lines 64-66).

Regarding claim 19 and as applied to claim 18, Sharma, Satarasinghe, Jin and Krutz disclose the aforementioned system. In addition Sharma discloses wherein said load-balancing handoff criteria of the above mentioned system specify that handoff is only allowed from said first frequency to a target frequency having a higher frequency availability value than said first frequency (col. 9, lines 3-11) and when said target frequency is within the same sector as said first frequency (col. 11, lines 44-61), said handoff criteria giving preference to target frequencies with higher frequency availability values (col. 9, lines 3-11).

Regarding claim 20 and as applied to claim 18, Sharma, Satarasinghe, Jin and Krutz disclose the aforementioned system. In addition Sharma discloses wherein said means for determining of the aforementioned system includes a pilot database (col. 6 lines 8-9) and said selector elements, said pilot database including a vertical neighbor record specifying overlaying frequencies associated with each frequency (base stations that generate cells are queried for load balancing purposes it is inherent that in order for those base stations being queried they must be contained in a database col. 5, lines 52-53; and for handoff execution such as "hard" and "soft" the operating frequencies for those cell must be specified, col. 5, lines 54-60).

Regarding claim 21 and as applied to claim 16, Sharma, Satarasinghe, Jin and Krutz disclose the aforementioned system. In addition Jin discloses wherein said at least one mobile station within the inner coverage area of the cell is less likely than

other mobile station in the cell to subsequently require handoff for balancing purpose (col. 3).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Otsuka discloses that "Within the same base station, a hard hand-off operation is performed to switch between different radio frequencies" (see specification).

b) Boscovic discloses the handover method that "from a first carrier frequency to a second carrier frequency both being supported by the same base station" (see specification).

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


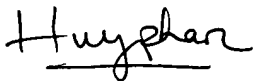
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GEORGE ENG  
SUPERVISORY PATENT EXAMINER

Examiner: Phan, Huy Q.

AU: 2617

Date: 11/27/2006